

IN THE CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND

Eric Beasley

Plaintiff,

v.

Case No.

Richard H. Gibson, Jr.  
Howard County State's Attorney

Defendant.

**COMPLAINT**

This is a lawsuit seeking to enforce the right to inspect public records pursuant to the Maryland Public Information Act, GP § 4-101 through 4-601, Annotated Code of Maryland. Eric Beasley, a Maryland journalist who writes for A Miner Detail, requested public records from Defendant, Richard H. Gibson, Jr. on April 14<sup>th</sup>, 2023. Through his reporting, Eric Beasley seeks to inform the public about Mr. Gibson's employees who advocate for Judges to ignore Statute and the Laws of Maryland. Regrettably, Richard H. Gibson, Jr. has met Mr. Beasley's requests for data with obstruction, delay, and at times outright misrepresentations. Mr. Beasley's first request the public records necessary for his reporting was made on April 14<sup>th</sup>, 2023. Ten working days have passed and Defendant Richard H. Gibson, Jr. continues without lawful justification to not respond to the PIA request and withhold data that indisputably are subject to timely production under the Maryland Public Information Act ("MPIA"). This Court's intervention, and the sanction of an award of attorney fees and costs, are consequently required.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to Md. Code Ann., State Gov't § 10-623(a) because the public record is located within the county.

### **PARTIES**

2. Plaintiff Eric Beasley is a journalist which writes for A Miner Detail, a long-standing media organization in the State of Maryland. The Plaintiff regularly writes about government officials within Maryland. Mr. Beasley is a resident of Frederick County, Maryland.

3. Defendant Richard H. Gibson, Jr. is the State's Attorney for Howard County. Richard H. Gibson, Jr. is the legal custodian of the public records at issue in this lawsuit. Defendant Richard H. Gibson, Jr. maintains its primary place of business at 9250 Judicial Way, Ellicott City, MD 21043, is a legal resident of Howard County, Maryland, and is amenable to service of process in Howard County.

### **FACTUAL ALLEGATIONS**

4. Richard H. Gibson, Jr. is the Howard County State's Attorney, an agency of the State of Maryland under Article V of the Maryland Constitution, and as such, is governed by the public disclosure requirements of the Maryland Public Information Act, Md. Code Ann., State Gov't § 10-611 *et seq.*

5. Under the MPIA, Christopher Sandmann is designated as the custodian of the public records, responsible for receiving and responding on behalf of the Richard H. Gibson, Jr. to requests for public records made pursuant to the MPIA.

6. On April 14<sup>th</sup>, 2023, Plaintiff Eric Beasley submitted a written MPIA request to Christopher Sandmann seeking the disclosure of categories of public records. The request is attached as Exhibit 1.

7. Ten working days have elapsed and the Plaintiff has not received any correspondence from the Richard H. Gibson, Jr., violating GP § 4-203(b)(2).

8. Mr. Gibson's employee, Assistant State's Attorney Scott Hammond has already granted the Plaintiff access to the records subject to this PIA request.

9. During a Court proceeding on April 13<sup>th</sup>, 2023, Mr. Hammond stated on the Court record, "I've gotten FOIA requests, fine. He can have all my e-mails, that's great."

10. Mr. Gibson's office has already consented to disclosure of the records that the Plaintiff requested.

11. The Plaintiff ordered a transcript and audio of the above proceeding. The audio has been delivered and the transcript is in process.

## **COUNT I**

### **Violation of the Maryland Public Information Act (MPIA)**

12. The allegations set forth in the forgoing paragraphs are incorporated herein by reference.

13. The Maryland Public Information Act, Md. Code Ann, State Gov't § 10-612, states that "[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees."

14. The MPIA provides that, "a custodian shall permit a person or governmental unit to inspect any public record at any reasonable time," Md. Code Ann, State Gov't § 10-613(a)(1),

and that, "[t]he custodian shall grant or deny the application promptly, but not to exceed 30 days after receiving the application." Md. Code Ann, State Gov't § 10-615(b).

15. The MPIA provides "Procedure for denial. -- A custodian who denies the application shall within 10 working days, give the applicant a written statement that gives: the reasons for the denial and, if inspection is denied under § 4-343 of this title, a brief explanation of why the denial is necessary " MD Gen Provisions Code § 4-203(c) (2016)

16. The MPIA, Md. Code Ann, State Gov't § 10-621(b), also authorizes a custodian to "charge an applicant a reasonable fee for the search for, preparation of, and reproduction of a public record," but the fee must bear "a reasonable relationship to the recovery of actual costs incurred by a governmental unit." Md. Code Ann, State Gov't § 10-621(a).

17. By their refusal to provide timely compliance with the MPIA, Defendants have violated the Maryland Public Information Act, Md. Code Ann., State Gov't § 10-611 *et seq.*, and thereby caused Beasley to file this suit to obtain the desired relief.

### **PRAYER FOR RELIEF**

Wherefore, the Plaintiff respectfully requests that this Court:

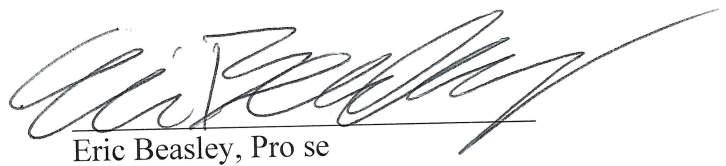
1. Assume jurisdiction over this action;
2. Enter an injunction directing Defendants to comply fully and without further delay with the Maryland Public Information Act and to furnish Plaintiff all public records meeting the description of his requests.
3. Enter an injunction directing that, because of Defendants' delay in complying with their obligations under the MPIA was without substantial justification, Defendants must waive all fees associated with Plaintiff's requests;
4. Enter judgment in Plaintiff's favor for nominal damages;

5. Award Plaintiff reasonable attorneys' fees and costs, as authorized by Md. Code Ann, State Gov't § 10-623(f); and

6. Order such additional relief as the Court may deem just and proper.

DATED this the 28<sup>th</sup> day of April, 2023

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Beasley", is written over a horizontal line.

Eric Beasley, Pro se